

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ROBERT JONES,

Plaintiff,

v.

Case No. 8:24-cv-2841-TPB-NHA

TAMERA BOUDREAU, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Natalie Hirt Adams, United States Magistrate Judge, entered on December 31, 2024. (Doc. 5). Judge Adams recommends that Plaintiff's complaint (Doc. 1) be dismissed without prejudice, and that his motion to proceed without costs (Doc. 2) be denied without prejudice. No objection to the report and recommendation has been filed, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. §

636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Adams's well-reasoned report and recommendation, the Court adopts the report and recommendation in full. Consequently, the complaint is dismissed without prejudice for lack of subject matter jurisdiction, with leave to amend. The motion to proceed *in forma pauperis* is denied without prejudice, with leave to file a new motion along with the amended complaint.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Adams's report and recommendation (Doc. 5) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**, with leave to amend.
- (3) Plaintiff's motion to proceed in forma pauperis (Doc. 2) is **DENIED WITHOUT PREJUDICE**.
- (4) On or before February 20, 2025, Plaintiff is directed to file an amended complaint establishing subject matter jurisdiction and a motion to proceed without costs. Failure to file an amended complaint as directed will result in this Order becoming a final judgment. *See Auto. Alignment &*

Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co., 953 F.3d 707, 719-20
(11th Cir. 2020).

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 21st day of
January, 2025.



TOM BARBER
UNITED STATES DISTRICT JUDGE